



Patent
701158-4008

DPW

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/772,061 Confirmation No.:

Applicant : Masahiko Sako

Filing Date : February 4, 2004

Title : Power Tools

Group Art Unit : 2832

Examiner : Ramon M. Barrera

Docket No. : 701154-4008

Customer No. : 34313

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CORRECTED NOTICE OF ALLOWABILITY

Dear Sir/Madam:

On November 17, 2004, the Office mailed a **NOTICE OF ALLOWABILITY** for the above-identified application. In the **NOTICE OF ALLOWABILITY**, Applicant notes that none of the appropriate boxes in Section 4 relating to the foreign priority claim were checked. In particular, Applicant notes that Box 4 and Box 4(1) should have been checked.

Attached hereto as Exhibit A is a copy of an Office Action Summary mailed by the Patent and Trademark Office on July 27, 2004. In this Office Action Summary, one can see that Section 12 (Priority under 35 U.S.C. § 119) was checked, thereby indicating the claimed priority was received and acknowledged by the Patent Office. In addition, applicant attaches as Exhibit B photocopies of the Return Postcard, which is stamped to indicate that the Patent and Trademark Office received all the documents relating to the foreign priority claim for this application.

CERTIFICATE OF MAILING
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

Jeffrey A. Miller

Name of Person Mailing Paper

Signature of Person Mailing Paper

December 3, 2004

Date of Deposit

DOCSSVI:288265.1

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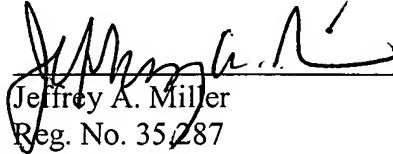
Based upon the foregoing, Applicant requests that a corrected Notice of Allowability be issued acknowledging receipt of the claimed priority for this application.

Respectfully submitted,

Orrick, Herrington & Sutcliffe LLP

Dated: December 3, 2004

By:



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Office Action Summary	Application No. 10/772,061	Applicant(s) SAKO, MASAHIKO
	Examiner Ramon M Barrera	Art Unit 2832

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1,2,6,7,9 and 10 is/are rejected.
- 7) Claim(s) 3-5,8,11 and 12 is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 04 February 2004 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>6/23/04</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: ____.



BEST AVAILABLE COPY

Please acknowledge receipt of the following by affixing hereon the Patent and Trademark Office date stamp and returning this card to our office

Applicant Masahiko Sako

Client: Kai-U

Serial No. Not Yet Assigned

Filed: February 4, 2004

For: POWER TOOLS

APPLICATION TRANSMITTAL New Utility Patent Application

Attorney, Jeffrey A. Miller

Client: Kai-U Law Firm

Matter No. 701158-4008

Date of Deposit: February 4, 2004

Enclosure: New Application Transmittal; Spec (11 pgs); Claims (2 pgs); Abstract (1 pgs); Drawings (6 pgs); Japanese ~~Language~~ Dec and Power of Attorney; Assignment; Recordation of Assignment form (PTO 1595); Transmittal of Certified Copy of Foreign Priority Documents; Certified Copy of Foreign Priority Documents (Japanese Patent Application SN 2003-28829), Certificate of Express Mailing dated February 4, 2004; Ex Mailing EV 304439498 US; postcard for return receipt

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